

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

ORLANDO BROWN,)	
)	
Plaintiff,)	
)	No. 12-466
v.)	
)	
H&P CAPITAL, INC.,)	
)	
Defendant.)	

PLAINTIFF’S COMPLAINT AND DEMAND FOR JURY TRIAL

ORLANDO BROWN (Plaintiff), through his attorneys, KROHN & MOSS, LTD., alleges the following against H&P CAPITAL, INC. (Defendant):

INTRODUCTION

1. Count I of Plaintiff’s Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. 1692 et seq. (FDCPA).

JURISDICTION AND VENUE

2. Jurisdiction of this Court arises pursuant to 15 U.S.C. 1692k(d), which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy.”

3. Defendant conducts business in the state of Alabama; therefore, personal jurisdiction is established.

4. Venue is proper pursuant to 28 U.S.C. 1391(b)(2).

PARTIES

5. Plaintiff is a natural person residing in Mobile, Mobile County, Alabama.

6. Plaintiff is a consumer as that term is defined by 15 U.S.C. 1692a(3), and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by 15 U.S.C. 1692a(5).

7. Defendant is a debt collector as that term is defined by 15 U.S.C. 1692a(6), and sought to collect a consumer debt from Plaintiff.

8. Plaintiff is informed and believes, and thereon alleges, that Defendant is a collections business with an office in Jacksonville, Florida.

9. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

FACTUAL ALLEGATIONS

10. Defendant constantly and continuously places collection calls to Plaintiff seeking and attempting to collect on an alleged debt.

11. Defendant calls Plaintiff from 877-307-5476.

12. Defendant has threatened to “embarrass” Plaintiff with “legal action” unless the debt is paid.

13. Defendant stated that he will “put a warrant out” for him.

14. Defendant has threatened to have Plaintiff arrested unless the debt is paid.

15. Defendant failure to provide meaningful disclosure and failed to state the communication was from a debt collector.

COUNT I

DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

16. Defendant violated the FDCPA based on, but not limited to, the following:

- a. Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress, or abuse any person in connection with the collection of a debt;
- b. Defendant violated §1692d(6) of the FDCPA by failing to provide meaningful disclosure;
- c. Defendant violated §1692e(4) of the FDCPA by making the false

representation that nonpayment of any debt will result in the arrest or imprisonment of any person or the seizure, garnishment, attachment, or sale of any property or wages of any person;

- d. Defendant violated §1692e(5) of the FDCPA by threatening to take any action that cannot legally be taken or that is not intended to be taken;
- e. Defendant violated §1692e(11) of the FDCPA by failing to state the communication is from a debt collector.

WHEREFORE, Plaintiff, ORLANDO BROWN, respectfully requests judgment be entered against Defendant, BUREAU OF COLLECTION RECOVERY, for the following:

- 17. Statutory damages of \$1000.00 pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k;
- 18. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k; and
- 19. Any other relief that this Court deems appropriate.

DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE, Plaintiff, ORLANDO BROWN, hereby demands a jury trial in this cause of action.

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Dated this the 18th day of July, 2012.

Respectfully submitted,

/s/ M. Brandon Walker
M. Brandon Walker (ASB-7482-H62W)
One of the Attorneys for Orlando Brown

WITH THE LAW FIRM OF:
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